

REMARKS

Claims 1-5, 7, 8, 10-13, 16-20, 22-26, 28-30 and 32-44 are pending. By this Amendment, claims 1, 7, 10, 13, 16, 19, 22, 24, 25, 28 and 32 are amended, and claims 9, 21 and 27 are cancelled. The independent claims are amended to even more clearly distinguish over the applied references. The feature added to the independent claims, i.e., that the plurality of fiducial marks include two fiducial marks that have positions that are different from each other in both the first and second directions (e.g., in which the device table moves) is supported in the original specification and drawings. For example, fiducial marks 76 and 80 have different positions in both the X and Y directions. The other claims are amended in order to be consistent with the above amendments to the independent claims. Thus, no new matter is added by the above amendments.

Formal drawings are submitted herewith in order to comply with the Notice of Draftsperson's Patent Drawing Review, which was enclosed with the Office Action.

Applicants note with appreciation the identification of allowable subject matter in claims 39-42. Applicants respectfully submit that all pending claims are in condition for allowance for at least the reasons set forth below.

Claims 1-5, 7-13, 16-30 and 32-34 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,243,195 to Nishi in view of U.S. Patent No. 5,523,841 to Nara et al. and U.S. Patent No. 6,057,921 to Yao. This rejection is respectfully traversed.

First, Applicants respectfully submit that none of the applied references discloses or suggests two fiducial marks that are used for determining the position of a first X mirror relative to a second X mirror (claims 1, 16 and 24) or to correlate a first reflective portion to a second, parallel reflective portion (claims 13 and 32), and that have positions that are different from each other both in the first and second directions, as recited in independent claims 1, 13, 16, 24 and 32, respectively. The fiducial marks FM1 and FM2 of Nishi have a same position

in the Y direction as illustrated, for example, in Figs. 2-4 of Nishi. Moreover, neither Nara et al. nor Yao discloses any fiducial marks that are used for determining the relative position of two mirrors or for correlating first and second parallel reflective portions.

Second, Applicants respectfully submit that the combination of Nishi, Nara et al. and Yao does not suggest what is recited in the independent claims of this application. As recognized in the Office Action, Nishi does not have first and second X mirrors or first and second parallel reflective portions, and thus Nishi does not disclose or suggest using first and second fiducial marks in order to determine the relative position of (or correlate) such first and second X mirrors (or parallel reflective portions). While Yao is relied upon in the Office Action as a teaching of determining the relative positions of two mirrors, Yao determines the relative position of a Y mirror to a X mirror, and does not use fiducial marks to determine such relative position. While Nara et al. discloses first and second co-linear mirrors 23 and 24 (see Fig. 2), like Yao, Nara et al. also does not disclose or suggest using first and second fiducial marks in order to determine the relative position of those mirrors or to correlate those mirrors to each other.

Accordingly, Applicants respectfully submit that the combination of references relied upon in the Office Action does not disclose or suggest what is recited in the independent claims of this application. That is, Nishi, Nara et al. and Yao collectively do not disclose or suggest providing the claimed first and second fiducial marks for determining the position of a first X mirror relative to a second X mirror as recited in claims 1, 16 and 24, or for correlating the first reflective portion to the second reflective portion (which is parallel to the first reflective portion) as recited in claims 13 and 32. Withdrawal of the rejection is requested.

Claim 35 stands rejected under 35 U.S.C. §103(a) over the references applied against claim 13, and further in view of U.S. Patent No. 5,417,408 to Ueda. Claim 36 stands rejected under 35 U.S.C. §103(a) over the references applied against claim 13, and further in view of

WO00/22376 to Nishi. Claims 37-38 and 44 stand rejected under 35 U.S.C. §103(a) over the references applied against claim 13, and further in view of U.S. Patent No. 6,404,505 to Matsui. Claim 43 stands rejected under 35 U.S.C. §103(a) over the references applied against claim 37, and further in view of Ueda. These rejections are respectfully traversed.

Because neither Ueda, WO00/22376 nor Matsui provides the deficiencies noted above with respect to independent claim 13, Applicants respectfully submit that claims 35-38, 43 and 44 are patentable for at least the reasons set forth above with respect to their corresponding independent claim 13.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted

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MAC/ccs

Attachments:

Replacement Sheets (Formal Drawings)
Petition for Extension of Time

Date: August 24, 2004

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